

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Cancelled claim 1 of the present application stands rejected under 35 U.S.C. §102(b) as being anticipated by Eichberger et al. (U.S. 5,815,934). In addition, claim 1, as well as claims 3, 5-10, 12 and 13 stand rejected under 35 U.S.C. §103 as being obvious in view of Maier et al. (DE 35 42 263).

With respect to the rejection under Eichberger, the Examiner considers the "conduit" in Eichberger to include passage 30, as well as ports 29 and 28. Consequently, according to the Examiner's interpretation of Eichberger, the conduit is "directly connected to recess 18".

In the present invention, however, the airflow from the conduit is introduced into the exhaust passage at a location at or below the expulsion aperture 52 through which debris is expelled from the recess 18, so that the debris is entrained and directed upwardly in the exhaust passage. Preferably, the airflow from the conduit is blown across the expulsion aperture 52 in the recess 18 at an acute angle to facilitate the efficient flow of debris through the exhaust passage.

To the contrary, in Eichberger the direction of debris flow out from recess 18 through aperture 28 is virtually opposite the direction of airflow emanating from the conduit 30 through port 29. Consequently, the expulsion of debris from the body of the tool in Eichberger is not as efficient as the construction taught by the present invention.

Claim 1 has been cancelled and replaced by new claim 15 which has been drafted to better define the above-noted distinctions. In addition, new dependent claims

16-20 further define these structural distinctions. Accordingly, pending claims 3-10 and 12-20 are believed to patentably distinguish over the Eichberger reference.

With respect to the rejection in view of the German language reference to Maier et al., there is nothing in Maier et al. to suggest the use of airflow from an airflow generator to enhance the efficiency of debris removal from the body of a planer. Rather Maier et al. merely relies upon the movement of debris resulting from the cutting process itself – i.e., the rotation of the cutting drum – to eject debris through the discharge openings 17.

With respect to the “airflow generator” recitation in the claims, the Examiner states that “it is inherent that Maier discloses an airflow generator so as to facilitate blowing of debris/chips through the chip discharge/exhaust openings (17)”. Applicant disputes this interpretation of the present claims and the disclosure of Maier et al.

The present claims expressly recite the contribution of the rotating cutting blades to the ejection of debris created by the cutting process; i.e., “...the cutting action of the blade causing debris created by the cutting to be ejected from the recess...”. This is all that Maier et al. is relying upon to expel debris from the tool. It is incorrect to characterize this action as “blowing” debris. Rather, the debris in Maier et al. is expelled from the body of the planer solely as a result of the cutting action itself.

The recitation in the claims to an airflow produced by an airflow generator is therefore in addition to the recited movement of debris resulting from the cutting action itself. It is respectfully submitted that the additional claim recitation of an “airflow generator for producing an airflow within the body”, is not inherently disclosed in Maier et al., and does not read upon the wholly conventional rotating cutting drum in

Maier et al. To further emphasize this point of distinction, new claim 15 now expressly recites that the airflow generator "comprises a fan".


Moreover, there is also no teaching or suggestion in Maier et al. to direct a fan generated airflow through a conduit into the exhaust passage to enhance the upward flow of debris through the exhaust passage. In this regard, it is noted that items 23 in Maier et al. identified by the Examiner as comprising the "conduit" for directing the internal airflow within the body of the tool, are merely the sides of the rotatable deflector 21 shown in Figures 2 and 3, and not an internal airflow channel.

Accordingly, new claim 15 is also believed to patentably distinguish the present invention over Maier et al. as well.

For at least the above reasons, pending claims 3-10 and 12-20 are believed to patentably distinguish the present invention over the cited art of record in this case. The present application is therefore believed to be in condition for allowance. Favorable reconsideration is respectfully solicited.

Respectfully submitted,

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